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Leo J. Campbell

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

BRUCKART, BENJAMIN R

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/809,581	<b>Applicant(s)</b> CAMPBELL ET AL.	
	<b>Examiner</b> BENJAMIN R. BRUCKART	<b>Art Unit</b> 2146	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-22,50-54,69,76,79 and 86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-22,50-54,69,76,79 and 86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

Claims 18-22, 50-54, 69, 76, 79 and 86 are pending in this Office Action.

Claims 18, 50, 69, 76, 79, 86 are amended.

Claims 1-17, 23-49, 55-68, 70-75, 77-78, 80-85, 87-91 are cancelled.

The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### **Response to Arguments**

Applicant's arguments filed 5/13/08 have been fully considered but are found not persuasive. See remarks below.

### **Applicant's invention as claimed:**

### **Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not explicitly define the computer usable medium nor the means for or hardware in which the invention runs. The system claims recite modules and components which can be interpreted as software entities without any clear indication of hardware. The specification is silent as to any clear hardware embodiments.

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 50-54, 69, 76, 86 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter. The claims recite a system (claims 50-54 and 86), a computer usable medium with code for performing the steps (claim 69), a system with means for (claim 76) for performing the steps of the invention.

The claims are rejected as being directed to software only. The system claims recite modules and components which can be interpreted as software entities without any clear indication of hardware. The specification is silent as to any clear hardware embodiments. Similarly the computer usable medium is not defined in the specification, nor are the means for which the invention runs.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18-22, 50-54 and 69 and 76; 79, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 2002/0002590 by King et al in view of U.S. Patent No. 5,341,505 by Whitehouse.**

Regarding claim 18, the King reference teaches a method for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

receiving the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22);

determining a standardized physical address of the user from the electronic address using an address database (King: page 2, para 22-23); and

delivering the message to the user (King: page 2, para 22-23, 30),

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.

Regarding claim 19, the method of claim 18, further comprising the step of: delivering the message to the user at the electronic address (King: page 2, para 30).

Regarding claim 20, the method of claim 18, further comprising the step of: delivering the message to the user at the standardized physical address (King: page 2-3, para 31-32).

Regarding claim 21, the King reference teaches a method for delivering a message to a user with an electronic account.

The King reference does not explicitly state sending back information of a standardized physical address.

However the Whitehouse reference teaches sending back information of a complete physical address (Whitehouse: col. 6, lines 52-58) in order to providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of delivering a message as taught by King to include informing the sender of a complete address as taught by Whitehouse in order to remove the last barrier for automation providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

Regarding claim 22, the method of claim 18, wherein the address database is a United States Postal Service address database (King: page 2, para 22).

Regarding claim 50, the King reference teaches a system for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

a receiving component configured to receive the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22);

a determining component configured to determine a standardized physical address of the user from the electronic address using an address database (King: page 2, para 22-23); and

a message delivering component configured to deliver the message to the user (King: page 2, para 22-23, 30),

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.

Regarding claim 51, the system of claim 50, further comprising:

an electronic address delivering component configured to deliver the message to the user at the electronic address (King: page 2, para 30).

Regarding claim 52, the system of claim 50, further comprising:

a physical address delivering component configured to deliver the message to the user at the standardized physical address (King: page 2-3, para 31-32).

Regarding claim 53, the King reference teaches a system for delivering a message to a user with an electronic account according to claim 50.

The King reference does not explicitly state sending back information of a standardized physical address.

However the Whitehouse reference teaches sending back information of a complete physical address (Whitehouse: col. 6, lines 52-58) in order to providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of delivering a message as taught by King to include informing the sender of a complete address as taught by Whitehouse in order to remove the last barrier for automation

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providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

Regarding claim 54, the system of claim 50, wherein the address database is a United States Postal Service address database (King: page 2, para 22).

Regarding claim 69, the King reference teaches a computer usable medium having a computer readable code embodied therein for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

a receiving module configured to receive the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22);

a determining module configured to determine a standardized physical address of the user from the electronic address using an address database (King: page 2, para 22-23); and

a message module component configured to deliver the message to the user (King: page 2, para 22-23, 30),

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.



Regarding claim 76, the King reference teaches a system for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

means for receiving the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22);

means for a determining a standardized physical address of the user from the electronic address using an address database (King: page 2, para 22-23); and

means for delivering the message to the user (King: page 2, para 22-23, 30),

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system with means for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.

Regarding claim 79, the King reference teaches a method for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

receiving the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22);

determining a delivery point identification key using the electronic address, wherein the delivery point identification key points to a location in an address database, the location associated with a standardized physical address of the user (King: page 2, para 20-23); and  
delivering the message to the user at the standardized physical address, the delivering based on the delivery point identification key, wherein the non-standard physical address includes a 5-digit ZIP code and the non-standardized physical address includes a 9-digit ZIP code.

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.

Regarding claim 86, the King reference teaches a system for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising:

a receiving component configured to receive the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23), and wherein the non-standardized physical address includes a physical street address, a city name, a state name, and a 5-digit ZIP code (King: page 2, para 22); and

a determining component configured to determine a delivery point identification key using the electronic address, wherein the delivery point identification key points to a location in an address database, the location associated with a standardized physical address of the user (King: page 2, para 20-23) ; and

delivering the message to the user at the standardized physical address, the delivering based on the delivery point identification key, wherein the non-standardized physical address.

The King reference fails to teach 9 digit zip codes.

However the Whitehouse reference teaches using a non-standardized physical address includes a 5-digit ZIP code to get a standardized physical address includes a 9 digit ZIP code (Whitehouse: col. 5, lines 67- col. 6, line 5; col. 2, lines 43-49) in order to further identify the destination address (Whitehouse: col. 2, lines 50-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method for delivering a message as taught by King to include standardizing zip codes with zip+4 codes in order to further identify the destination address.

#### **REMARKS**

Applicant has presented an amendment to the independent claims and presented arguments directed to the amendment.

#### **The Applicant Argues:**

Applicant argues the sole idea that the references do not teach the claimed “message includes an electronic address associated with the user’s account and a non-standardized physical address of the user.”

**In response**, the examiner respectfully submits:

With respect to “receiving the message directed to the user with the electronic account, where the message includes an electronic address associated with the user’s electronic account and a non-standardized physical address of the user from the electronic address using an address database” is taught by King on pages 1 and 2, para 18-23.

The King reference shows a user sending a message to a person with an electronic account (i.e. sending a message to Santa para 20 where santa is the recipient). Santa has an electronic account and physical address to receive the message.

The sender can enter the recipient’s electronic address (page 2, para 18; top) or can use a physical address to route the message to the user’s corresponding mailbox (page 2, para 19).

The person receiving the message is the addressed person the message is being sent to.

The message includes an electronic account, for example the santa's electronic address or account name and the non-standardized physical address interpreted to be the name of zip code, state or other useful information. Per para 23, King teaches systems that receive and resolve delivery of messages based on incomplete addresses and electronic addresses. One would need an electronic address to electronically delivery the message.

The electronic address associated with the electronic account is taught in King: page 2, para 18 (top of the page), where "a conventional e-mail address can also be entered to send a message or to send a carbon copy of the message." This further supports that an electronic address in conjunction with a physical address can be used to route and deliver a message to a user (recipient). Further, the system uses physical information to look up corresponding electronic address information for delivery, so the information is accessible by the system already. The King reference teaches the invention can also determine recipient's physical address in para 20 by searching an address database by the USPS for subsequent delivery of the message.

The amendments detailing the non-standard physical address do not overcome the art of record. A non-standard physical address is taught by both references as necessary to deliver a message by traditional means.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart  
Examiner  
Art Unit 2146

/Benjamin R Bruckart/  
Examiner, Art Unit 2146